

FILED

SEP 05 2018

Clerk, U.S. District Court
Texas Eastern

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS

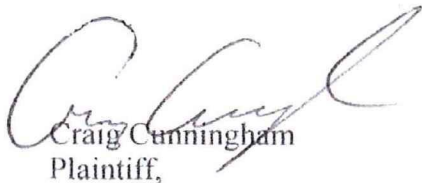
CRAIG CUNNINGHAM, Plaintiff, v. CBC Conglomerate, LLC, et al Defendant	§ § § § § Civil Case No. 4:17-CV-00793- ALM-CAN § § § §

Plaintiff's Motion for an Extension of Time and Motion to Compel Discovery

1. The Plaintiff requests a 120 day extension of the time to complete discovery of all deadlines in the case and seeks to compel depositions of the 30(b)(6) representatives for each corporation and of Jay Singh, Bruce Hood, and Carey George Howe.
2. The Plaintiff has repeatedly sought deposition dates for the 30(b)(6) representatives of the corporations and as of this date, the Defendants have flatly refused to provide any or make a representative available. In the month of August, the Plaintiff called and emailed multiple times in an attempt to coordinate with Stew Schmella, counsel for the defendants regarding deposition dates with his client. After receiving no response, despite multiple calls and emails to Stew Schmella regarding deposition dates, the Plaintiff notified them that he was about to notice a deposition without their input regarding scheduling since they seemed intent on ignoring the Plaintiff's attempts to meet and confer and cooperate in discovery on August 21, 2018. See Ex A Email Dated August 21, 2018 ~~and Ex B Email dated August 6, 2018.~~
3. On August 22nd, 2018, Stew Schmella finally responded stating that he was unwilling to make his individual clients available for depositions with the sole basis being that they have a pending mo-

tion to dismiss for personal jurisdiction. Stew Schmella also requested deposition subjects for the 30(b)(6) representatives, which the Plaintiff provided on the same day, but to date Stew Schmella has not identified a date when they would be available or the 30(b)(6) representatives. See Ex C, Email dated August 22nd, 2018.

4. The Defendants have yet as of this date responded to the Plaintiff's written discovery, which is necessary for the Plaintiff to have before the depositions that have been requested. This presumes that there will be some 30(b)(6) representative made available, which the defendants have thus far refused to do.
5. The Plaintiff requests the court order the individual defendants and compel to be made available for depositions as well as a 30(b)(6) representative for the corporations as well. Additionally, the Plaintiff requests an extension of the deadline to complete discovery by 120 days to complete written discovery and conduct depositions.
6. The Plaintiff should not be precluded from conducting discovery based on the pendency of a motion to dismiss.



Craig Cunningham
Plaintiff,

Craig Cunningham, Plaintiff, Pro se
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9/5/2018

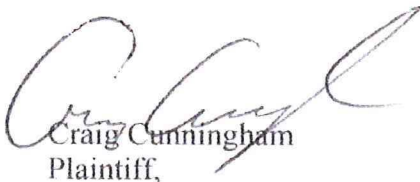
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Plaintiff's Certificate of Service

I hereby certify that a true copy of the foregoing was mailed to the attorney of record and other defendants in this case via ECF and first class mail on 9/5/2018:

Nicholas Lanza, Lanza Law Firm, PC, 4950 Bissonnet St., Houston, TX 77401


Craig Cunningham
Plaintiff,

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